

Washington County Land Use Authority Meeting
September 13, 2011
(Recording available)

The Washington County Land Use Authority Meeting was held on Tuesday, September 13, 2011 at the Washington County Administration Building, 197 E. Tabernacle, St. George, Utah. The meeting was convened at 1:30 p.m. by Chairman Doug Wilson.

Commissioners present: Dave Everett, JoAnn Balen, Julie Cropper, Kim Ford, and Rick Jones.

Excused: Deborah Christopher, Mike Stucki.

Staff present: Deon Goheen, Planning & Zoning Administrator; Todd Edwards, County Engineer; Rachelle Ehlert, Deputy Attorney; Kurt Gardner, Building Official; Kim Hafen, County Clerk; John Willie, Planning Administrator; and Doreen Bowers-Irons, Planning Secretary.

Audience attendance: Robert Anderson, Jerome Gourley, Stuart Bowler, Gary Jordan, Cimarron Chacon, Becky Marchal, Mark Johnson, Shayne Wittwer, Bill Swenson, Carlos Robles.

Chairman Wilson led the audience in the Pledge of Allegiance after which, he explained meeting protocol. He thanked everyone for attending and thanked the Commissioners for their confidence to elect him chair of the Planning Commission.

I. STAFF COMMENTS. Review staff comments for each agenda item listed; Staff initiated.

II. CONDITIONAL USE PERMIT EXTENSION. Review progress on exceptions to height limitations and installation of a 2nd 196-foot steel lattice tower at the BLM Blackridge site, within the OSC Zone, off I-15 at Exit 36; Verizon Wireless, applicant.

The Planner reported this is the third extension on this project. She explained the area and location of the tower. The property is located a great distance from private property or developed areas, with the leased area being 75' x 75' and the tower will be centrally located within the site. Communication towers are conditionally approved within the OSC-20 zone. As previously reviewed, the applicant submitted a site location plan and photos of a tower located near this site that would be duplicated. The commission addressed exceptions to the height limitations, approving conditionally the extra 96-feet needed for the 196-foot towers (*Ord. 2001-815-O, 12-17-2001, eff. 12-17-2001*). The application met the requirement of collocation (*County Code 10-21-2:B.*) and accessory equipment shelters will be reviewed by the Building Department. This application also meets the requirement for a "lattice type" tower and there was no need to create a "fall" zone (*County Code 10-21-4*). The building permit was issued and the tower was completed, therefore, this permit can now be approved with permanent status.

Commissioner Everett asked for clarification on the number of towers. The planner reported this is the second tower. Another tower was erected a few years ago.

Commissioner Everett asked if the letter from the FAA regarding the light issues had been submitted to the County. The planner reported she did not have a letter.

A discussion regarding the letter from the FAA occurred; the discussion included how to proceed with approving the request subject to the letter being submitted or tabling the item. The planner will contact the applicant to make sure the letter is submitted.

Robert M. Anderson, resident of Kolob and president of Kolob Development, Inc. addressed the commission. He stated his objections to the tower. He reported he was not aware of the application and was upset over an

additional tower and the fact that Verizon would need 2 towers. These towers are an eyesore. He was offended that BLM would allow these towers to be continually built in such beautiful wilderness areas. It is his belief that the cell companies should collocate and wondered why it was not a requirement. The surrounding owners should have been notified of the request. He found out about this from the agenda he received as part of a different matter. He continued speaking about the towers and the requirements that must be met in other areas of the country, the fire issues they pose, and other hazards. He provided information packets to the council.

A discussion regarding the public notices and notifying the surrounding property owners occurred.

There was no one in attendance from Verizon Wireless applicant.

Commissioner Everett stated he would recommend the commission delay the action on the item until the FAA issue has been resolved. The verification from the FAA should address the point that the communication towers will not affect aircraft in the area. In addition, the collocation issue brought up today should be addressed.

A discussion took place regarding collocation of towers along with the towers currently on site, the BLM and County approvals, and how to act on this item.

Motion: Commissioner Everett MOVED to table recommendation to the County Commission to approve the Conditional Use Permit for exceptions on height limitations and installation of a 2nd 196-foot steel lattice tower at the BLM Blackridge site, within the OSC -20 zone, off I-15 at Exit 36 for Verizon Wireless, applicant, until the letter from the FAA is submitted. Commissioner Balen SECONDED. The motion carried with all five (5) Commissioners voting in favor.

III. CONDITIONAL USE PERMIT EXTENSION. Review progress in establishing a private recreation area and facilities on 30.06 acres within the FR-5 (Forest Residential 5 acres) zone, generally located south of Pine Valley town site; Lester Wittwer Investment Co./Shane Wittwer, applicant.

The Planner explained the site. She stated this is the 2nd extension review, which is an automatic annual review. As previously reviewed, this is on the slopes south of town. The meadows in this area have a high water table, so the Wittwer family is proposing a private recreation area to build a maximum of five (5) cabins on higher ground. They have one (1) existing cabin, so the total number meets the FR-5 density requirements on 30 acres. The Conservancy District provided a letter of approval for the density for septic tanks, which should be issued at the time building permits are obtained. The Pine Valley Water Company has indicated the ability to serve this area. Fire hydrants will need to be located within 250-feet of these dwellings. As noted before, these types of uses are conditionally approved within the Forest Residential Zone (*County Code 10-8A-3*). No permits have been issued on this project at this time.

Commission Balen asked if there had been any issues. The planner answered there had not been; however, there was a complaint regarding water flow that was not from the project that had been addressed.

Shane Wittwer, Lester Wittwer family representative, stated the water issue had nothing to do with the project. It originated from flood irrigation and had been addressed. There has been progress on the property. The water and power are installed. The percolation tests for the septic system are done and the system is being designed. They hope to start constructing the buildings next spring. The roads, water, and fire hydrants are installed.

Commissioner Balen stated her concerns of getting the hydrants installed. Mr. Wittwer identified the roads and fire hydrants on the site plan noting the hydrants are in place.

A discussion on the number of times the CUP extension had occurred. It was found that this is the third extension. The commission and staff discussed granting permanent approval for the project and review the buildings at a staff level, or to continue to bring the item back until all construction is completed on the property.

Motion: Commissioner Cropper MOVED to recommend that the County Commission approve the Conditional Use Permit Extension for a private recreation area and facilities on 30.06 acres within the FR-5 (Forest Residential 5 acres) based on future reviews of the project at staff level. The motion died for lack of a second.

A short discussion between the commission and staff occurred regarding how to proceed with the approval of permanent status and review at staff level or continuing to bring the project back to this body.

Motion: Commissioner Everett MOVED to recommend that the County Commission approve the Conditional Use Permit Extension for a private recreation area and facilities on 30.06 acres within the FR-5 (Forest Residential 5 acres) generally located south of Pine Valley town site; Lester Wittwer Investment Co./Shane Wittwer, applicant, with permanent status subject to staff reviews as the buildings are constructed. Commissioner Cropper SECONDED. The motion carried with all five (5) Commissioners voting in favor.

This item will go before the County Commission on the consent agenda for approval September 20, 2011.

IV. CONDITIONAL USE PERMIT EXTENSION. Request permission for an endurance mountain bike racing event, "Frog Hollow Event", on Sheep Bridge Road, generally located between Virgin and Hwy 59, east of Hurricane, on October 8, 2011, 6-hour event; and November 4th & 5th, 2011 24-hour event; a portion within the County unincorporated area; GRO-Promotions, LLC/Cimarron Chacon, applicant.

The Planner reported this is the 2nd extension review at this location. She explained the route. There is just a small portion of the trails within the County unincorporated area this event will take place on. The majority of the event is within Virgin Town Limits. The event will run along the Sheep Bridge Road. This event is sponsored by GRO-Promotions and is an endurance mountain bike race that will consist of both a 24-hour and 6-hour race on a 13 mile course. The race will begin at 10:00 a.m. on Saturday and end at 10:00 a.m. on Sunday. These types of events are reviewed conditionally at a public meeting to ensure that citizens have the opportunity to comment on the application (*County Code 10-18-2, amended 2008*). The applicant may need a liability insurance policy in place, listing Washington County or Virgin Town as a beneficiary. They are expecting 100 teams for the 24-hour event with a total number of 400 people to host. Porta-potties will be based on the numbers in attendance. The applicant has updated their application with SITLA and BLM for this activity. The Sheriff's office is working with the applicant to provide deputy services for the event and cell phones will allow for communication to emergency response with Hurricane City as the emergency response provider.

There was one complaint last year from an ATV rider who tried to come through the area and because of the road closure in the area was not allowed access and therefore complained.

Cimarron Chacon provided a power point presentation of the event. She updated the commission on the number of participants over the past two years noting that participation had increased. She spoke about the complaint, which came from an ATV rider who was a staff member that worked for the Sheriff's department; that issue was addressed. This event has been successful and great for the community, the riders and their families. There are food vendors and various activities for the children. There are a number of sponsors and volunteers for the event who provides tremendous support. The majority of the participants are from out of the county. She reported on statistics regarding revenue that is coming in based on those participants. They would like to have the event continue to grow and are hoping to bring in the USA Cycling Association along with world and national champions in the next few years. She noted this event has been featured in national magazines and publications. She asked the commission to approve the conditional use permit for the event. She asked for some type of permanent permit for this event.

Chairman Wilson reported the county is looking at a new ordinance to address these types of events that would allow them to be reviewed at a staff level for approval instead of coming to the Planning Commission.

The commission asked a few questions for clarification regarding the event, which were answered by Ms. Chacon. Chairman Wilson suggested the event be put on the St. George Events Calendar. Ms. Chacon stated the races had been submitted to them. Commissioner Ford asked about the insurance liability. Ms. Chacon stated the insurance will be in place and should be submitted shortly. The policy is sent out about a week before the race and is in force only during the event.

There was no one in attendance who wished to speak on the item.

Motion: Commissioner Balen MOVED to recommend that the County Commission approve the Conditional Use Permit Extension for one year for the Frog Hollow endurance mountain bike racing event on Sheep Bridge Road, generally located between Virgin and Hwy 59, east of Hurricane, on October 8, 2011, 6-hour event; and November 4th & 5th, 2011 24-hour event; a portion within the County unincorporated area; GRO-Promotions, LLC/Cimarron Chacon, applicant; with proof of liability insurance being in place. Commissioner Ford SECONDED. The motion carried with all five (5) Commissioners voting in favor.

This item will go before the County Commission on the consent agenda for approval September 20, 2011.

V. CONDITIONAL USE PERMIT EXTENSION. Review extension of a sales office for the Kolob Ranch Development on the west side of the I-15 Freeway at the Kolob Exit; Kolob Development, Inc./Robert Anderson, applicant.

The Planner reported this use has been reviewed annually since 1990, and runs with the development until all of the lots are sold, as it is a project sales office (*County Code 10-14-11:A*). The manager was invited to attend the meetings previously and the owner assured staff that he would personally be in attendance to provide an update on the improvement and time line on lot sales. She provided an aerial view of the property and pictures of the building.

Robert M. Anderson, President of Kolob Development Inc., reported to the commission that the office is well kept and maintained. The office is only been used for the Kolob Development office and not for a real estate office. He updated the commission stating they have 51 lots for sale; 26 of those lots are in phase 6C, Kolob Ranches and 25 lots are located in phases 7A & B. He explained the acreage of the development and provided information about the future commercial development planned for the area.

The Commission and Mr. Anderson briefly discussed the project and lot sizes.

Motion: Commissioner Everett MOVED to recommend that the County Commission approve the Conditional Use Permit Extension for one year of a sales office for the Kolob Ranch Development on the west side of the I-15 Freeway at the Kolob Exit; Kolob Development, Inc./Robert Anderson, applicant. Commissioner Ford SECONDED. The motion carried with all five (5) Commissioners voting in favor.

This item will go before the County Commission on the consent agenda for approval September 20, 2011.

VI. CONDITIONAL USE PERMIT EXPANSION. Request permission to locate an office trailer, gas storage, and porta-potties near an approved staging area for a pipe storage yard for UNEV Pipeline on 2 acres of the Bowler arena property in Veyo; Sterling Construction Management, LLC/Monte Kester, Business Development agent, applicant.

The Planner reported that Mr. Kester came into the office and notified staff that he is no longer operating out of this property, that another company, C & A Testing, is using it. Mr. Carl Bowler is the owner of the property and perhaps the conditional use permit should be issued under his name as it is attached to the property. She explained the location and area of the property. The gas trucks have been removed from the property. She

provided photos of the equipment currently on site. We can continue this conditional use permit either under a new name with Carl Bowler being the owner/lessee and a new applicant C & A Testing or discontinue the permit and make them reapply under the new company who is leasing the property. The planner stated she would rather leave the permit open as it is with the property and same type of use than start over with new applicants.

Rachelle Ehlert, County Attorney, stated if the commission finds there is a substantial change then a new application would be warranted. If the conditions are not much different than the previous use, the conditional use permit could be kept in place with the new user. It is up to the commission on how they would like to proceed from here.

The commissioners and staff discussed the changes that would require the conditional use permit to be discontinued and a new one put in place. Those changes would be in the event that the use is more hazardous, not as hazardous, or the impact to the area is affected.

Stuart Bowler, representing Carl Bowler, introduced Gary Jordan of C&A Construction. Mr. Bowler informed the commission the fuel trucks were removed and the storage currently on the property is less hazardous than what was previously there. Also there are less employees going in and out of the property.

Mr. Jordan reported they were using the property as a staging area and for storage of materials they use on their job site. They do a little welding on this site. There are no hazardous materials on the property. Mr. Jordan indicated that they would be using the property for just a few months.

A short discussion regarding the history of the usage and companies who previously leased the property took place. It was discussed on who should be the applicant whether it was Mr. Bowler or the company leasing the property where it was decided the business who utilizes the property should come before the commission on what they propose to do on the property.

Motion: Commissioner Balen MOVED to recommend that the County Commission approve the Conditional Use Permit Extension of a pipeline storage area on two acres on Carl Bowler's arena property for one year with the new lessor information being submitted to the Planning Staff. Commissioner Ford SECONDED. The motion carried with all five (5) Commissioners voting in favor.

This item will go before the County Commission on the consent agenda for approval September 20, 2011.

Chairman Wilson asked to be excused from the position of chair in order to represent the next item. Commissioner Ford took over as Vice Chair.

VII. CONDITIONAL USE PERMIT EXTENSION. Request permission to build the Gunlock Filter Station generally located one mile south of the Gunlock Reservoir; Washington County Water Conservancy District/Doug Wilson, applicant.

The Planner reported this is an automatic annual review. The WCWCD has completed the installation of a 19' x 27' concrete filter station building on BLM land. A building permit was issued and the building was constructed. The building department finalized the construction on August 8, 2011. The building houses five 14-inch Amiad filters, which remove leaves, sediment, and algae from the irrigation water. This system does not require any chemical treatment. The pad elevation is set at 3449.50 in order to obtain 30 psi at the filter station. This pressure is required in order for the filters to function properly. When the Gunlock Reservoir is at the conservation pool elevation of 3540, less than 24 cfs is conveyed through the 30" pipe. Public utilities are conditionally approved within the OSC-20 zone (*County Code 10-6A-3*). Since the project has been completed, the commission may want to recommend approval granting permanent status.

Doug Wilson, representing the WCWC asked if there were any questions.

Commissioner Everett asked how the station worked when the water level is low. Mr. Wilson stated when the water is low the filters are not as efficient as when the water is at a higher level. He then explained in detail how the system worked.

The commission discussed the facility and the benefits of having the system in place. They also discussed the water rights and the areas served by the facility.

Motion: Commissioner Cropper MOVED to recommend that the County Commission approve the Conditional Use Permit request for the Water Filter Station generally located one mile south of the Gunlock Reservoir on a permanent basis. Commissioner Ford SECONDED. The motion carried with four (4) Commissioners voting in favor. Commissioner Wilson abstained as he was the acting applicant.

This item will go before the County Commission on the consent agenda for approval September 20, 2011.

Mr. Wilson resumed the role of chair for the remainder of the meeting.

VIII. CONDITIONAL USE PERMIT. Request permission to install a proposed 100' lattice tower within the OSC-20 zone, on BLM land adjacent to the Rocky Mountain Power Substation south of Dammeron Valley; Atlas Tower LLC Tower Owner and WiBlue, Inc./Nathan Foster, applicant.

The Planner reported communication towers are conditionally approved within the OSC-20 zone. This item was tabled since August 2009, until the applicant could find another location that would be suitable. The applicant has leased property from BLM and submitted the site location plan and a drawing of the tower. The 100' tower meets the height requirement of the ordinance (*County Code 10-21-2.C*). There is a requirement that collocation and accessory equipment shelters will be reviewed. This application meets the requirement for a "lattice type" tower and there may be no need for a "fall" zone to be created as this tower is located far enough away from the substation on the adjacent property. The leased area is 50' x 50' with the tower being centrally located.

The tower was constructed without a permit and the building department "red tagged" the construction. The applicants will need to apply for a building permit from the building department and have inspections completed. There are a few items that need to be addressed for the building permit to be approved and the tower finalized by the building department. One of those items is approval of this conditional use permit.

Commissioner Cropper asked if the "red tag" issues had been resolved. The Planner stated they will be when the conditional use permit is approved and issued and a building permit is issued.

Jerome Gourley, 260 South Ashcreek Drive, representative of Atlas Tower addressed the Commission. He apologized for the issue with the tower being "red tagged". He stated a misunderstanding by Atlas Tower had taken place as their understanding was that the tower had all been approved by BLM and did not require County approval. BLM had granted them permission to proceed after going through their process. He asked that the commission grant approval of the conditional use permit. Mr. Gourley reported on the requirements they had to meet for BLM to approve the use of the property for the tower. He also reported on the conditions BLM imposed for approval of the tower.

A short discussion on county ordinances and regulations occurred.

Commissioner Balen asked if the tower was a collocation tower and if so, who would be using the tower. Mr. Gourley stated the tower does have collocation capability of up to three providers but those providers have not been decided as of yet.

A discussion regarding communication tower locations and service providers took place.

The attorney informed the commission that the wireless communication facility chapter of the ordinance was amended a while back; however, this application still falls under the conditional use permit and the commission would need findings of facts to approve the request.

Chairman Wilson stated his concern with the applicants not coming to the County for approval and constructed the tower with no regard in following proper procedure. Mr. Gourley expressed his sincere apologies for not following procedures.

The commission discussed and made the facts and findings for the application.

Motion: Commissioner Balen MOVED to recommend that the County Commission approve the Conditional Use Permit to install a proposed 100' lattice tower within the OSC-20 zone, on BLM land adjacent to the Rocky Mountain Power Substation south of Dammeron Valley; Atlas Tower LLC and WiBlue, Inc/Nathan Foster with the following facts and findings:

- The applicant has followed the advice of the Planning Commission's previous recommendation to find an alternative location for the tower.
- There is adequate fall zone.
- The communication tower complies with the County ordinance.
- There is adequate fire safety protection.
- This is a conditional permitted use within the OSC-20 zone.
- Complies and was permitted with BLM approval.
- Designed for collocation capabilities.
- Applicant will submit all future projects to the planning and building department.

Commissioner Cropper SECONDED. The motion carried with all five (5) Commissioners voting in favor.

This item will go before the County Commission on the consent agenda for approval September 20, 2011.

IX. CONDITIONAL USE PERMIT. Request permission to install a proposed 100' lattice tower within the RA-1 zone, on 1 acre of land owned by Theresa Haury, in Veyo; Atlas Tower LLC Tower Owner and WiBlue, Inc./Nathan Foster, applicant.

The Planner reported this item was scheduled for a third extension but tabled at the July 12, 2011 meeting due to lack of representation. It was rescheduled to the August 9, 2011 meeting and there was still no representation at that meeting. The original conditional use permit request therefore lapsed. The applicant has submitted a new request to install a 100-foot lattice tower within the RA-1 zone on 1 acre of land owned by Theresa Haury in Veyo. She explained the location of the property. Communication towers are conditionally approved within the RA-1 zone. Previously, the applicant had submitted the site location plan and a drawing of the tower. The 100' tower meets the height requirement of the ordinance (*County Code 10-21-2.C*). There is a requirement for collocation and accessory equipment shelters to be reviewed. This application meets the requirement for a "lattice type" tower and there may be no need for a "fall" zone to be created, as this tower is located far enough away from water tanks on the adjacent property and the Ag/Manufacturing Building located on private property, with the leased area being 30' x 40' and the tower being centrally located. The building permit has not been issued for the tower.

Jerome Gourley, representing Atlas Tower LLC asked if there were any questions.

A short discussion regarding the property location, the request, and the companies who would utilize the tower ensued. The County Attorney stated that this falls under the new ordinance and is a permitted use under Title 10 Chapter 21 with some additional standards. The commission, staff, and Mr. Gourley reviewed and discussed the

new and previous ordinance. It was determined that because this is in a residential zone the conditional use permit would apply.

There was no one who desired to speak to this application.

Motion: Commissioner Everett MOVED to recommend that the County Commission approve the Conditional Use Permit for a 100-foot lattice tower within the RA-1 zone, on one acre of land owned by Theresa Haury in Veyo for one year with the following findings of fact:

- The use meets the County ordinance.
- There is adequate fall zone space.
- The use meets the collocation requirements.
- The use is a compatible use in the RA zone.

Commissioner Cropper SECONDED. The motion carried with all five (5) Commissioners voting in favor.

This item will go before the County Commission on the consent agenda for approval September 20, 2011.

A short discussion of the new ordinance and how it could be utilized in the future occurred.

X. CONDITIONAL USE PERMIT. Request permission to install an equipment building and a 60' lattice tower within the SFR-1 zone on Kolob Mountain near Whispering Pines entrance on Conservancy District property; Beehive Telephone Co., applicant.

The Planner reported the applicant has removed the tower portion of the request. They are requesting approval of the building portion only. They will remove the existing building and solar panels and place a new building to house the necessary equipment. The property is located on Washington County Water Conservancy District land with the leased area being 50' x 50' and the building being centrally located. She gave details of the area. She showed pictures the site plan and building details. Again there will be no 60' tower. These uses are conditionally approved in this zone.

Grant Ensign, representing Beehive Telephone Company, informed the commission that the building will be 20' x 11'. The existing solar panels will be removed and new solar panels placed on top of the building. The building will house fiber optics in order to expand phone and internet services. The existing tower will remain in place.

Commissioner Ford asked if the building would be a larger building. Mr. Ensign answered it would be a little larger.

Todd Edwards, County Engineer, asked if the pedestal currently on site would be moved. He indicated it sits in the bottom of a ditch which makes it hard to clean out. When the crews go to clean the ditch they cannot get the equipment around the pedestal and so it builds up with debris. Mr. Ensign stated there is no plan to move it but he will bring it up with the company to see if it could be moved.

A discussion regarding the proposed building components, construction, and its use took place.

The commission discussed and made the facts and findings for the application.

Motion: Commissioner Balen MOVED to recommend that the County Commission approve the Conditional Use Permit to install an equipment building within the SFR-1 zone on Kolob Mountain near Whispering Pines entrance on Conservancy District property for one year with the following facts and findings:

- The building is being replaced with a new upgraded building.
- The project is permitted with a conditional use permit in the SFR-1 zone.

- **The project meets fire codes.**
 - **The use provides a public safety and a public benefit.**
- Commissioner Everett SECONDED. The motion carried with all five (5) Commissioners voting in favor.**

This item will go before the County Commission on the consent agenda for approval September 20, 2011.

XI. CONDITIONAL USE PERMIT. Request permission to install a meter building, feeder line and security chain link fence within the C-2 zone south of the Texaco Station at the New Harmony Interchange; Questar Gas Company, applicant.

The Planner reported utilities are conditionally approved within the C-2 zone. The applicant has submitted the site location plan and a drawing of the meter building, feeder line and security 8' chainlink fence. The Public Works Department has approved their 20' access to the property. The existing birdcage housing connections will be removed to establish the new building and pipeline. She explained the area and showed photos of what the proposed building would look like.

Mark Johnson, Questar Gas representative, introduced Becky Marchel also a representative of Questar Gas Company. He stated this will be an improvement to the existing site. He explained why the work is being done, what the work would entail, and how the equipment would look and operate. They are doing this because they need more capacity due to a higher demand for natural gas to the area. The existing fence will be changed to an 8' chain link with barbed wire on top for security. The site will be sterilized and graveled to prevent weeds and allow for easy maintenance.

Chairman Wilson asked for clarification on the size of the project and who inspects the facilities. Mr. Johnson stated the industry is federally regulated with stringent guidelines to ensure safety. The federal government oversees those guidelines and inspections.

The Commission and Mr. Johnson discussed the Federal regulations and the safety cautions that are imposed and how those measures are implemented.

The commission discussed and made the facts and findings for the application.

Motion: **Commissioner Ford MOVED to recommend that the County Commission approve the Conditional Use Permit request to install a meter building, feeder line and security chain link fence within the C-2 zone south of the Texaco Station at the New Harmony Interchange for one year with the following facts of findings:**

- **This would replace and upgrade the existing facility.**
- **It is a public service and good for the health, safety, and welfare to the community.**
- **The use complies as a conditional use permit with the zone.**

Commissioner Jones SECONDED. The motion carried with all five (5) Commissioners voting in favor.

This item will go before the County Commission on the consent agenda for approval September 20, 2011.

Commissioner Cropper was excused at 4:00pm.

XII. DISCUSSION ITEM Discuss the Pioneer Wagon Train Trek along Page Ranch Road thru Pinto, camping at Abe Springs, then on to Veyo, Ivins, and St. George for the Sesquicentennial (150 years) celebration; St. George City, applicant.

The Planner stated the County Commissioners have met with St. George City Officials and given their blessing for this event. This discussion is to inform the commission of the trek and its route, the camp locations, and time lines for this event. This event will take place throughout the county.

Carlos Roblez and Bill Swensen, representing St. George City and the Pioneer Wagon Train Trek explained the event to the Commission, which included the original pioneer route and the current route, the camps and events that will take place at those camps. The applicants stated porta-potties, water, breakfasts and dinners will be provided during the event.

A discussion regarding the trek took place, where some questions and answers were given. It was noted there would be up to 40 wagons, some handcarts, outriders, and walkers participating in the event. The costs to participate were discussed.

Due to the time constraints the commission and staff discussed moving the next few items to a work meeting.

XIII. DISCUSSION ITEM/OPEN MEETING. Review Utah Open and Public Meeting Act; County initiated.

Motion: Commissioner Balen MOVED to table the item to a work meeting on September 27, 2011. Commissioner Jones SECONDED. The motion passed with the remaining four (4) commissioners voting in favor.

XIV. PROCEDURES AND RULES OF ORDER. Annual review of Planning Commission Procedures and Rules of Order; County initiated.

Motion: Commissioner Balen MOVED to table the item work meeting. Commissioner Jones SECONDED. The motion passed with the remaining four (4) commissioners voting in favor.

XV. DISCUSSION ITEM/TRAILS. Request for trails management/housekeeping with the County; County initiated.

Motion: Commissioner Balen MOVED to table the item work meeting. Commissioner Jones SECONDED. The motion passed with the remaining four (4) commissioners voting in favor.

XVI. STAFF DECISIONS. Review of decisions from the Land Use Authority Staff Meeting held on September 6, 2011; County initiated.

The Planner reported on the decisions of the Land Use Authority Staff Meeting held August 2, 2011 as follows:

ACTIONS OF THE LAND USE AUTHORITY STAFF MEETING
September 6, 2011

The staff meeting convened at 9:30 a.m. Staff Members Present: Deon Goheen, Planning & Zoning Administrator; Kurt Gardner, Building Official; Paul Wright, Department of Environmental Quality; Rachelle Ehlert, Deputy Civil Attorney; Todd Edwards, County Engineer; Darwin Hall, Ash Creek Special Service District; Tina Esplin, Washington County Water Conservancy District; Becky Marchal, Questar Preconstruction Specialist; and Robert Beers, Southwest Utah Public Health Department;

Excused: Ron Whitehead, Public Works Director

CONDITIONAL USE PERMIT EXTENSIONS.

A. Review extension on a single family dwelling within the OST-20 zone, Section 29, T38S, R11W, SLB&M, generally located north of Smith's Mesa on Kanarra Mountain. Terry Wilson, agent and David W. Bauer, applicant.

This was tabled at the previous meeting further review of building without a permit. Previously, the requirements for the Conditional Use Permit have been met by submitting a site plan, septic permit and quantity and quality of the water from springs for culinary use. The property is accessed from Kanarra Mountain in Iron County, then entering the 600 acre parcel on the Washington County boarder. The site plan meets all setback requirements. This area is seasonal in nature, so there are probably 4 months out of the year that an individual could build. The Conservancy District and Dean Cox has reported that construction is taking place, with photographs of a cement slab. Records show that no permit has been issued as yet. If the septic has not been installed, the applicant will need to reapply and Robert Beers indicated he would check Southwest Utah Public Health Department records. **It was determined that the structure was built prior to 2009 after comparing aerial photos with the original CUP site plans. Staff indicated this should structure should be on the tax rolls and at least meet the Wildland Urban Interface for fire protection. The attorney will send a letter and refer the matter to a deputy.**

B. Request permission for a single family dwelling within the OST-20 zone, in the Holt Canyon area east of Enterprise, Utah. Gina G. Hamlin, applicant.

This is an automatic annual review and the applicant previously met the requirements for the Conditional Use Permit by submitting a site plan, deeds of ownership, septic permit from the Southwest Utah Public Health Department (SUPHD), and a culinary water use from a private well showing quantity and quality. Single family dwellings are conditionally approved within the OST-20 zone, with this property containing a total of 20 acres. The property is accessed from the Holt Canyon Road, generally located east of Bench Road in the Enterprise area. The site plan met all setback requirements of 25' on all sides, rear and front. The Wildland Urban Interface for fire protection was addressed during the permitting process at the staff level and Permit #6177 was issued and is almost complete. **The staff granted approval of the Conditional Use Permit Extension for a single family dwelling for the period of another six (6) months.**

C. Request permission for a single family dwelling within the OST-20 zone, Kannarra Mtn. access to Kolob Mtn. Sam Larson, applicant.

This is an automatic annual review and the applicant previously met the requirements for the Conditional Use Permit by submitting a site plan, deeds of ownership, septic permit from the Southwest Utah Public Health Department (SUPHD), and a culinary water use from a private well showing quantity and quality. Single family dwellings are conditionally approved within the OST-20 zone, with this property containing a total of 360 acres. The property has also been setup under a conservation easement, so not more than 3 cabins could ever be built on this parcel of land. The property is accessed from a Kannarra Mountain Road, generally located North West of the Kolob Mountain recreational area. The site plan meets all setback requirements of 25' on all sides, rear and front. The Wildland Urban Interface for fire protection would need to be addressed during the permitting process at the staff level. Permit #6184 was issued and last inspected on October 7, 2010 for framing (roof). **The staff granted approval of the Conditional Use Permit Extension for a single family dwelling for another one (1) year period.**

XVII. MINUTES. Consider approval of the minutes of the regular Planning Commission meeting held August 9, 2011.

Motion: Commissioner Everett **MOVED** to adopt the Minutes of August 9, 2011 as written. Commissioner Ford **SECONDED**. The motion passed with the remaining four (4) commissioners voting in favor.

XVIII. COUNTY COMMISSION ACTION REVIEW. Review of action taken by the County Commission on Planning Items; County initiated.

The Planner reported the County Commission approved the planning items on their agenda based on the recommendations of the Planning Commission, which included the conditional use permits for the "Redrock Relay Race"; the batch plant and job site trailers for Schmidt Construction near Central; and the utility easement abandonment for Barbara Hjelle.

XIX. COMMISSION & STAFF REPORTS. General reporting on various topics; County initiated.

There were no reports from the Commission or Staff.

The Planner stated the next meetings will be a work meeting on September 27, 2011 and a regular planning meeting on October 11, 2011.

Updated information provided by the water conservancy district was handed out.

Motion was made and seconded to adjourn the meeting at 4:30 p.m.

Doreen Bowers-Irons, Planning Secretary
Approved: 11 October 2011